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WP-jam 06/09/03 6047-61247 198316

PATENT

Attorney Reference Number 6047-61247



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Casey Prindiville et al.

Art Unit: 2827

Application No. 09/971,872

Filed: October 4, 2001

For: SEMICONDUCTOR PACKAGES AND  
METHODS FOR MAKING THE SAME

Examiner: Ishwarbhai B. Patel

Date: June 9, 2003

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as Express Mail, Label No. EV338047969US, on June 9, 2003: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA, 22313-1450.

Wayne W. Rupert  
Attorney for Applicant

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ALEXANDRIA, VA 22313-1450

**TRANSMITTAL LETTER**

Enclosed is a Reply After Final Rejection for the above application. The fee has been calculated as shown below.

CLAIMS AS AMENDED					
For	No. after amendment	No. paid for previously	Present Extra	Rate	Fee
Total Claims	9	- 20*	= 0	\$18.00	\$ 0.00
Indep. Claims	2	3**	= 0	\$84.00	\$ 0.00
Mult. Dep. Claims Fee (if not previously paid)				\$280.00	
One-month Extension of Time				\$110.00	
Two-month Extension of Time				\$410.00	
Three-month Extension of Time				\$930.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

\* greater of twenty or number for which fee has been paid.

\*\* greater of three or number for which fee has been paid.


☒ No additional fee is required.

- ☒ Please charge any additional fees that may be required in connection with filing this amendment and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

  
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cc: Docketing



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Response Under 37 C.F.R. § 1.116 Expedited Procedure**

In re application of: Casey Prindiville et al.

Art Unit: 2827

Application No. 09/971,872

Filed: October 4, 2001

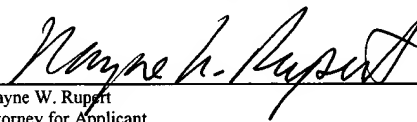
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**REPLY AFTER FINAL REJECTION**

A final Office Action was mailed April 7, 2003. The two-month due date for filing a response is Saturday, June 7, 2003. Since the due date is a Saturday, this response filed on Monday, June 9, 2003, still falls within the two-month period, thus entitling applicants to the possibility of an extended shortened statutory period.

Applicants again note that the examiner has still not indicated that the Information Disclosure Statement submitted with the Amendment mailed April 29, 2002 has been considered. Applicants request that the examiner please include an initialed copy of the Form 1449 in the next action.

The Office Action has been reviewed and the comments of the examiner carefully considered. Claims 10-12, 23, 37 and 38 remain rejected under § 103 over Eng et al. combined with Vindasius et al., Sheppard et al., and Heo et al. The examiner's response to applicants' arguments mailed November 12, 2002, is that "it will be obvious to one of ordinary skill in the art to use such defective die, instead of undue expenditure of procuring a special material with required size."

However, the examiner's reasoning misses a key point. Whether or not it may have been obvious to use defective dies is not the correct legal framework. The correct issue is whether or not it would have been obvious to employ defective dies (or another type of cover member) to cover a wire

bond slot. There is nothing in the cited prior art, either alone or in combination, that suggests using defective dies for this specific purpose. A standard of "obvious to use" for general purposes is akin to a legally incorrect "obvious to try" standard.

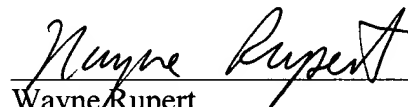
Applicants also point out that the parent application of the present divisional application has now issued as U.S. Patent No. 6,548,764. During prosecution of the parent application a similar § 103 rejection based on Eng et al. combined with Vindasius and Sheppard et al. was overcome leading to issuance of the patent.

It is respectfully submitted that the present claims are in condition for allowance for the foregoing reasons and the reasons previously set forth in applicants' November 12, 2002, response. Should there be any questions regarding this application, Examiner Patel is invited to contact the undersigned attorney at the telephone number shown below.

Respectfully submitted,

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